

FOLGER LEVIN & KAHN LLP

Roger B. Mead (CSB No. 093251, [rmead@flk.com](mailto:rmead@flk.com))

Karen J. Petrulakis (CSB No. 168732, [kpetrulakis@flk.com](mailto:kpetrulakis@flk.com))

Andrew J. Davis (CSB No. 203345, [ddavis@flk.com](mailto:ddavis@flk.com))

Embarcadero Center West

275 Battery Street, 23rd Floor

San Francisco, CA 94111

Telephone: (415) 986-2800

Facsimile: (415) 986-2827

Attorneys for Defendants Renn Transportation Company,

Renn Transportation, Inc., Brad Renn, Patricia Renn,

Ann Renn and Robert Renn

SEDGWICK, DETERT, MORAN & ARNOLD LLP

STEVEN D. ROLAND (Bar No. 108097)

RANDALL G. BLOCK (Bar No. 121330)

TARA L. CONDON (Bar No. 215312)

One Market Plaza, Steuart Tower, 8th Floor

San Francisco, California 94105

Telephone: (415) 781-7900

Facsimile: (415) 781-2635

Attorneys for Plaintiff Caterpillar Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CATERPILLAR INC., a Delaware  
Corporation,

Plaintiff,

v.

RENN TRANSPORTATION COMPANY,  
a California General Partnership, RENN  
TRANSPORTATION, INC., a California  
Corporation, BRAD RENN, PATRICIA  
RENN, ANN RENN and, ROBERT  
RENN, individuals, and Does 1-10,

Defendants.

Case No. 5:06-CV-04529

**STIPULATION AND PROPOSED ORDER  
FOR RELIEF FROM SCHEDULING  
ORDER**

**(Local Rule 16-2(D))**

By signatures of their counsel to this Stipulation, the parties to this action stipulate and request that the deadlines set forth in this Court's June 7, 2007 Scheduling Order be continued as set forth in the schedule below.

The parties desire to continue the dates set forth in the Scheduling Order for the following reasons:

1. On March 20, 2007, the parties conducted an all day mediation session before the Hon. Ellen Sickles James at JAMS. Although the parties did not resolve the dispute at the March 20, 2007 mediation, the parties agreed to and did reconvene for a second mediation session on May 3, 2007. The parties, with the assistance of Judge James, have continued discussions and are optimistic that they will resolve their disputes. They are negotiating the final terms of a settlement agreement. Counsel for all parties desire to devote their time, energies, and resources to their efforts to resolve this matter, rather than expend resources completing tasks necessary to comply with the rapidly approaching deadlines (including discovery, expert witness, and dispositive motion deadlines) set forth in the Court's June 7, 2007 Scheduling Order.

2. This Stipulation and Proposed Order is not interposed for purposes of delay but in the interests of justice and the resolution of the controversies herein.

### Case Schedule

Counsel for all parties have conferred with respect to these matters, and all parties agree to continue the dates set forth in the Court's prior Schedule as reflected below:

<b>Defendants' Response to Third Amended Complaint</b>	<b>July 3, 2007</b> (continued from June 19, 2007)
<b>Disclosure of Expert Witnesses</b>	<b>August 13, 2007</b> (continued from July 30, 2007)
<b>Rebuttal Expert Witness Disclosures</b>	<b>September 4, 2007</b> (continued from August 20, 2007)
<b>Last Day For Hearing On Objections To Qualifications Or Testimony Of Expert</b>	<b>October 8, 2007</b> (continued from September 24, 2007)
<b>Close of All Discovery</b>	<b>October 15, 2007</b> (continued from October 1, 2007)

1 **Last Day For Hearing Dispositive Motions** **November 19, 2007**  
2 (continued from November 5, 2007)  
3 **Preliminary Pretrial Conference** January 4, 2008  
4 **Statements** (unchanged from December 12, 2007)  
5 **Preliminary Pretrial Conference** **January 14, 2008**  
6 **at 11:00 a.m.** (continued from January 7, 2008)

7 Dated: June 19, 2007

FOLGER LEVIN & KAHN LLP

/s/ *Roger B. Mead*

Roger B. Mead

Attorneys for Defendants

Renn Transportation Company, Renn Transportation,  
Inc. Brad Renn, Patricia Renn, Ann Renn and Robert  
Renn

14 Dated: June 19, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

/s/ *Randall G. Block*

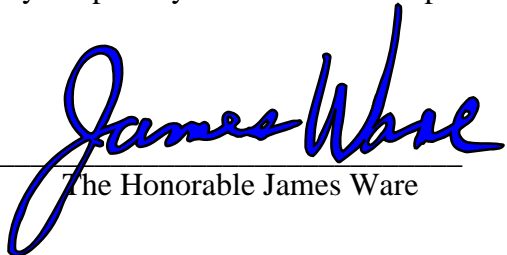
Randall G. Block

Attorneys for Plaintiff Caterpillar, Inc.

20 ~~PROPOSED~~ **ORDER**

21 PURSUANT TO STIPULATION, IT IS HERBY ORDERED that the schedule set forth  
22 in this Stipulation and Proposed Order is hereby adopted by the Court and the parties are directed  
23 to comply with this Order.

24 Dated: June 21, 2007

  
The Honorable James Ware

26 78080\2001\554060.1